

commercial and recreational sectors for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group cobia is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero. This bag and possession limit also applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for coastal migratory pelagic fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal water.

(ii) The stock ACT for Gulf migratory group cobia is 1.31 million lb (0.59 million kg). The stock ACL for Gulf migratory group cobia is 1.46 million lb (0.66 million kg).

(6) *Atlantic migratory group cobia*—(i) *Commercial sector*—(A) If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(c)(3)(ii) (commercial ACL), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year.

(B) In addition to the measures specified in paragraph (h)(6)(i)(A) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (h)(6)(iii) of this section, and Atlantic migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial quota (commercial ACL) for that following year by the amount of any commercial sector overage in the prior fishing year.

(ii) *Recreational sector*. (A) If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (h)(6)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings may achieve the

recreational ACT, but do not exceed the recreational ACL in the following fishing year. Further, during that following year, if necessary, the AA may file additional notification with the Office of the Federal Register to readjust the reduced fishing season to ensure recreational harvest achieves but does not exceed the intended harvest level. The recreational ACT is 1,184,688 lb (537,365 kg). The recreational ACL is 1,445,687 (655,753 kg).

(B) In addition to the measures specified in paragraph (h)(6)(ii)(A) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (h)(6)(iii) of this section, and Atlantic migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the recreational ACL and ACT for that following year by the amount of any recreational sector overage in the prior fishing year.

(C) Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iii) The stock ACL for Atlantic migratory group cobia is 1,571,399 lb (712,775 kg).

[73 FR 31843, July 3, 2008, as amended at 74 FR 17610, Apr. 16, 2009; 75 FR 9118, Mar. 1, 2010; 75 FR 74660, Dec. 1, 2010; 75 FR 82293, Dec. 30, 2010; 76 FR 82053, 82067, Dec. 28, 2011; 76 FR 82410, 82418, Dec. 30, 2011; 77 FR 6998, Feb. 10, 2012; 77 FR 15927, Mar. 16, 2012; 77 FR 28310, May 14, 2012; 77 FR 32420, June 1, 2012; 77 FR 34259, June 11, 2012; 77 FR 45272, July 31, 2012]

EFFECTIVE DATE NOTES: 1. At 77 FR 28310, May 14, 2012, § 622.49(a)(2) was suspended and (a)(17) was added, effective May 14, 2012, through Nov. 10, 2012.

2. At 77 FR 51942, Aug. 28, 2012, § 622.49, paragraph (b)(25) was added, effective Aug. 28, 2012, through Dec. 31, 2012.

§ 622.50 Caribbean spiny lobster import prohibitions.

(a) *Minimum size limits for imported spiny lobster*. There are two minimum size limits that apply to importation of spiny lobster into the United States—one that applies any place subject to

the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and a more restrictive minimum size limit that applies to Puerto Rico and the U.S. Virgin Islands.

(1) No person may import a Caribbean spiny lobster with less than a 6-ounce (170-gram) tail weight into Puerto Rico or the U.S. Virgin Islands. For the purposes of paragraph (a) of this section, a 6-ounce (170-gram) tail weight is defined as a tail that weighs 5.9-6.4 ounces (167-181 grams). If the documentation accompanying an imported Caribbean spiny lobster (including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices) indicates that the product does not satisfy the minimum tail-weight, the person importing such Caribbean spiny lobster has the burden to prove that such Caribbean spiny lobster actually does satisfy the minimum tail-weight requirement or that such Caribbean spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such Caribbean spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such Caribbean spiny lobster has the burden to prove that such Caribbean spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such Caribbean spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the burden is satisfied such Caribbean spiny lobster will be considered to be in compliance with the minimum 6-ounce (170-gram) tail-weight requirement.

(2) See §640.27 of this chapter regarding the minimum size limit that applies to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands.

(b) *Additional Caribbean spiny lobster import prohibitions*—(1) *Prohibition related to tail meat*. No person may import into any place subject to the jurisdiction of the United States Caribbean spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) *Prohibitions related to egg-bearing spiny lobster*. No person may import

into any place subject to the jurisdiction of the United States Caribbean spiny lobster with eggs attached or Caribbean spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods (swimmerets) are the first five pairs of abdominal appendages.

[74 FR 1151, Jan. 12, 2009]

APPENDIX A TO PART 622—SPECIES TABLES

TABLE 1 OF APPENDIX A TO PART 622—CARIBBEAN CORAL REEF RESOURCES

- I. Coelenterates—Phylum Coelenterata
 - A. Hydrocorals—Class Hydrozoa
 - 1. Hydroids—Order Athecatae
 - Family Milleporidae
 - Millepora* spp., Fire corals
 - Family Stylasteridae
 - Stylaster roseus*, Rose lace corals
 - B. Anthozoans—Class Anthozoa
 - 1. Soft corals—Order Alcyonacea
 - Family Anthothelidae
 - Erythropodium caribaeorum*, Encrusting gorgonian
 - Iciligorgia schrammi*, Deepwater sea fan
 - Family Briaridae
 - Briareum asbestinum*, Corky sea finger
 - Family Clavulariidae
 - Carijia riisei*
 - Telesto* spp.
 - 2. Gorgonian corals—Order Gorgonacea
 - Family Ellisellidae
 - Ellisella* spp., Sea whips
 - Family Gorgoniidae
 - Gorgonia flabellum*, Venus sea fan
 - G. mariae*, Wide-mesh sea fan
 - G. ventalina*, Common sea fan
 - Pseudopterogorgia acerosa*, Sea plume
 - P. albatrossae*
 - P. americana*, Slimy sea plume
 - P. bipinnata*, Bipinnate plume
 - P. rigida*
 - Pterogorgia anceps*, Angular sea whip
 - P. citrina*, Yellow sea whip
 - Family Plexauridae
 - Eunicea calyculata*, Warty sea rod
 - E. clavigera*
 - E. fusca*, Doughnut sea rod
 - E. knighti*
 - E. laciniata*
 - E. laxispica*
 - E. mammosa*, Swollen-knob
 - E. succinea*, Shelf-knob sea rod
 - E. touneforti*
 - Muricea atlantica*
 - M. elongata*, Orange spiny rod
 - M. laxa*, Delicate spiny rod
 - M. muricata*, Spiny sea fan
 - M. pinnata*, Long spine sea fan
 - Muriceopsis* spp.
 - M. flavida*, Rough sea plume
 - M. sulphurea*